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09/202,215 10/05/99 VAYDA M 021506.0116

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EXAMINER

FRENEL, V

ART UNIT

PAPER NUMBER

2673

DATE MAILED:

11/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/202,215

Applicant(s)  
Vayda Mark

Examiner  
Vanel Frenel

Group Art Unit  
2673



☒ Responsive to communication(s) filed on Oct 5, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 53-92 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 53-92 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 53-55 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Learn (4,458,238).

As to claims 53 and 63 Reeves discloses an input device ( 20 in Fig.1) for generating signals that represent input requests by a user, the device comprising a base portion (28 in Fig.1) ; a control portion (22 in Fig.1); a plurality of inputs (30, 32 in Fig.1) disposed on the control portion for permitting a user to input at least one request, a connector connecting the control portion to the base portion (Fig.2 and col.4; lines 48-68 and col.5; lines 1-2) the signal generator generating at least one first signal indicating a movement or position of the control portion relative to the base portion, and at least a second signal indicating user data input requests (Fig.1 and col.1; lines 49-68). However, Reeves does not disclose a signal generator operatively connected to the plurality of inputs and the connector. Learn discloses a signal generator operatively connected to the plurality of inputs and the connector.

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Reeves as taught by Learn for providing function selection buttons which

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have to be separately manually actuated and also can be included on the display panel in order to permit selection of functions such as paragraph indication, backspacing and erasing.

As to claim 54, Reeves discloses the input device wherein the connector comprises a gimbal mechanism (Fig.2-4 and col.4; lines 36-47 and col.6; lines 35-54).

As to claim 55, Reeves discloses the input device further comprising a rotational mechanism which permits a user to rotate the control portion with respect to the base portion, wherein the signal generator is operatively connected to the rotational mechanism and generates a signal indicating rotational position of the control portion with respect to the base portion (Fig.1 and Fig.2 and Abstract and col.4; lines 17-28).

3. Claims 56-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Learn (4,458,238) as applied to claims 53-55 and 63 above, and further in view of Bouton (5,396,267).

As to claim 56, the combination fails to disclose the input device wherein the control portion is configured to permit a user's hand to be positioned on the control portion such that the user's hand is substantially parallel to the control portion. However, Bouton discloses the input device wherein the control portion is configured to permit a user's hand to be positioned on the control portion such that the user's hand is substantially parallel to the control portion (32 in Fig.1 and Fig.3 and Fig.4 and col.4; lines 3-68).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Bouton into the combination for providing a better

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way to reconfigure video game controllers for each particular video game to transmit the keycodes corresponding to each video game .

As to claim 57, Reeves discloses the input device wherein the plurality of inputs comprises at least four keys (30, 32 in Fig.1 and col.4; lines 1-66).

As to claim 58, Bouton discloses the input device wherein a key is provided for each digit of a hand (Fig.8 and col.5; lines 1-68 and col.6; lines 1-66).

As to claim 59, Bouton discloses the input device wherein at least one of the keys is a multiple position key, wherein the multiple position key can be moved in a plurality of directions and selectively engaged in at least one of the plurality of directions ( Fig.1 and Fig.8 and col.5; lines 1-68 and col.6; lines 1-66).

As to claim 60, Learn discloses the input device wherein the multiple position key is provided for the user's thumb (Abstract and col.2; lines 10-68).

3. Claims 61, 62, 65-66 and 71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Learn (4,458,238), Bouton (5,396,267) as applied to claims 53-55 and 63, 56-60 above, and further in view of Arita et al (5,432,530).

As to claims 61 and 65, the combination fails to disclose the input device wherein the plurality of inputs further comprises at least one slider. However, Arita disclose the input device wherein the plurality of inputs further comprises at least one slider (Abstract and Fig.12A and Fig.12B and col.6; lines 40-68 and col.9; lines 25-68 ).

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Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Arita into the combination for providing a pointing device which comprises of a slider which can move in any direction, a pointer movement position signal detection means which detects the direction of movement and the amount of movement of the slider and outputs a pointer movement position signal.

As to claims 62 and 71, Learn disclose the input device wherein at least three of the inputs are located in substantially the same plane (Fig.1 and Fig.12A and Fig.12B and Fig.13A and col.9; lines 8-68).

As to claim 64, Reeves discloses the computer system wherein the plurality of inputs comprises at least four keys (30, 32 in Fig.1 and col.4; lines 1-66).

As to claim 66, Reeves discloses the computer system having at least two input devices (20, 16 in Fig.1 and col.4; lines 3-35).

4. Claims 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Learn (4,458,238), Bouton (5,396,267), Arita et al (5,432,530)

as applied to claims 53-55, 63, 56-60 and 61-66 above, and further in view of (Kuroda et al (5,302,969).

As to claim 67, the combination fails to disclose the computer system further comprising a character selection graphic displayed on the display, the character selection graphic comprising a plurality of character selection icons, each of the icons corresponding to a character or a function; wherein the character selection icons are selected by moving or positioning the control portion

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relative to the base portion and selectively engaging one of the plurality of inputs. However, Kuroda disclose the computer system further comprising a character selection graphic displayed on the display, the character selection graphic comprising a plurality of character selection icons, each of the icons corresponding to a character or a function; wherein the character selection icons are selected by moving or positioning the control portion relative to the base portion and selectively engaging one of the plurality of inputs (Fig.1 and Fig.9 and col.4; lines 67-68 and col.5; lines 1-40).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Kuroda into the combination for providing a basic menu in order to guide users how to operate the data processing apparatus, not only the menu item but also the message for indicating the operation method under the screen which are displayed thereon.

As to claim 68, Kuroda disclose the computer system wherein the character selection graphic comprises a plurality of groupings of character selection icons, each grouping of character selection icons comprising a plurality of rows of character selection icons (Fig.1 and Fig.9 and col.4; lines 67-68 and col.5; lines 1-40).

As to claim 69, Kuroda disclose the computer system wherein each input on the control portion corresponds to a character selection icon in the row of character selection icons (Fig.1 and Fig.9 and col.4; lines 67-68 and col.5; lines 1-40).

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As to claim 70, Kuroda disclose the computer system wherein the input device, is wirelessly connected to the processor (Fig.1 and Fig.9 and col.2; lines 51-68 and col.4; lines 67-68 and col.5; lines 1-40).

5. Claims 72-77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Learn (4,458,238), Bouton (5,396,267), Arita et al (5,432,530), Kuroda et al (5,302,969) as applied to claims 53-55, 63, 56-60, 61-66 and 67-72 above, and further in view of Ishiwata et al (4,870,389).

As to claim 72, the combination fails to disclose a method for selecting characters or function and inputting the same to a computer system, comprising displaying a character selection graphic on a display, the character selection graphic comprising a character selection box for each input device, the character selection box including a character selection grouping and a function grouping; selecting a desired character selection grouping of character selection icons within the character selection box; selecting a desired row of character selection icons; selectively engaging an one of the keys on a control portion of an input device corresponding to a desired character selection icon; generating at least one signal indicating the selected character selection icon; and receiving and processing the signal. However, Ishiwata disclose a method for selecting characters or function and inputting the same to a computer system, comprising displaying a character selection graphic on a display, the character selection graphic comprising a character selection box for each input device, the character selection box including a character selection grouping and a function grouping; selecting a desired character selection grouping of character selection icons within the



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character selection box; selecting a desired row of character selection icons; selectively engaging an one of the keys on a control portion of an input device corresponding to a desired character selection icon; generating at least one signal indicating the selected character selection icon; and receiving and processing the signal (Fig.1 and Fig.2 and col.2; lines 8-44 and col.6; lines 22-25).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Ishiwata into the combination for providing a joystick which improved in operability and able to reduce fatigue of the player and has no ill effect on the life thereof.

As to claim 73, Learn discloses the method wherein each grouping of character selection icons for one hand comprises at least two rows of character selection icons, and each row of character selection icons comprises four character selection icons (Fig.1 and col.3; lines 21-68).

As to claim 74, Ishiwata disclose the method wherein the step of selecting a desired grouping of character selection icons comprises moving the control portion relative to a base portion to display a desired grouping of character selection icons in the character selection box (Fig.1 and Fig.2 and col.2; lines 8-44 and col.6; lines 22-25).

As to claim 75, Bouton discloses the method wherein the step of selecting a desired grouping of character selection icons comprises positioning the control portion relative to a base portion to display a desired grouping of character selection icons in the character selection box (Fig.1 and Fig.4 and col.4; lines 1-68).

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As to claim 76, Bouton discloses the method wherein the step of selecting a desired row, of character selection icons comprises moving the control portion relative to a base portion to select a desired row of character selection icons (Fig.1 and Fig.4 and col.4; lines 1-68).

As to claim 77, Learn discloses the method wherein the step of selecting a desired row of character selection icons comprises positioning the control portion relative to a base portion to select a desired row of character selection icons (Fig.1 and col.3; lines 21-68).

6. Claims 78-92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reeves (5,436,640) in view of Learn (4,458,238), Bouton (5,396,267), Arita et al (5,432,530), Kuroda et al (5,302,969), Ishiwata et al (4,870,389) as applied to claims 53-55, 63, 56-60, 61-66 and 67-72 above, and further in view of Holtey et al (4,724,431).

As to claims 78 and 79, the combination fails to disclose the method wherein the selected row of character selection icons is highlighted. However, Holtey disclose the method wherein the selected row of character selection icons is highlighted (col.1; lines 11-24).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the teaching of Holtey into the combination for providing an improved display system for displaying graphics and text in different colors.

As to claim 80, Bouton discloses the method further comprising selecting a function from the function grouping by manipulating a key assigned to a thumb (32 in Fig.1 and Fig.3 and Fig.4 and col.4; lines 3-68).

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As to claim 81, Holtey disclose the method wherein the character presentation graphic is transparent (Fig.2B and col.2; lines 11-68 and col.3; lines 1-50).

As to claim 82, Holtey disclose the method wherein the character presentation graphic may be turned off (Fig.1 and col.2; lines 11-40).

As to claim 83, Kuroda disclose the method wherein a size of the character selection box can be changed by a user (col.1; lines 14-50 and col.2; lines 1-24).

As to claim 84, Kuroda discloses the method wherein the number of character selection icons in a row can be changed by a user (Fig.9 and Fig.10 and col.3; lines 1-68 and col.4; lines 1-68 and col.5; lines 1-64).

As to claim 85, Kuroda discloses the method wherein the layout of characters and functions in the character selection graphic can be changed by a user (Fig.9 and Fig.10 and col.3; lines 1-68 and col.4; lines 1-68 and col.5; lines 1-64).

As to claim 86, Kuroda discloses the method wherein the character presentation graphic is two dimensional (Fig.9 and Fig.10 and col.3; lines 1-68 and col.4; lines 1-68 and col.5; lines 1-64).

As to claim 87, Kuroda disclose the method wherein the character presentation graphic further comprises a three-dimensional function menu (Fig.9 and Fig.10 and col.3; lines 1-68 and col.4; lines 1-68 and col.5; lines 1-64).

As to claim 88, Arita disclose the method wherein the three-dimensional function menu is activated by manipulating a thumb key (Fig.12 Band 15A and Fig.15 B and Fig.17 and col.9; lines 1-68 and col.).

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As to claim 89, Arita disclose the method wherein a size of the character selection graphic may be manipulated with a slider (Abstract and Fig.12A and Fig.12B and col.6; lines 40-68 and col.9; lines 25-68 ).

As to claim 90, Kuroda disclose the method of wherein one of the input devices may select character selection icons from more than one character selection boxes (col.1; lines 14-50 and col.2; lines 1-24).

As to claim 91, Reeves discloses the method wherein at least two input devices are provided (Fig.1 and col.4; lines 1-66).

As to claim 92, Reeves discloses the method wherein each input device is used to select the character selection icons for the other input device (Fig.1 and col.4; lines 1-66).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is (703) 305-4952 .The examiner can be reached on Monday through Thursday from 6:30 to 5:00 pm .

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shalwala Bipin, can be reached on (703)-305-4938.

Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Group receptionist whose telephone number (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

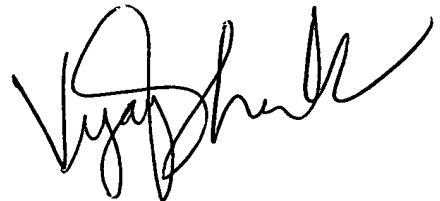
(703) 308-6606 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

*Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

Vanel Frenel



October 31, 2000



**VIJAY SHANKAR  
PRIMARY EXAMINER**

**ATTACHMENT TO AND MODIFICATION OF**  
**NOTICE OF ALLOWABILITY (PTO-37)**  
**(November, 2000)**

**NO EXTENSIONS OF TIME ARE PERMITTED TO FILE CORRECTED OR FORMAL DRAWINGS, OR A SUBSTITUTE OATH OR DECLARATION**, notwithstanding any indication to the contrary in the attached Notice of Allowability (PTO-37).

If the following language appears on the attached Notice of Allowability, the portion lined through below is of no force and effect and is to be ignored<sup>1</sup>:

A SHORTENED STATUTORY PERIOD FOR RESPONSE to comply with the requirements noted below is set to EXPIRE **THREE MONTHS** FROM THE "DATE MAILED" of this Office action. Failure to comply will result in ABANDONMENT of this application. ~~Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).~~

Similar language appearing in any attachments to the Notice of Allowability, such as in an Examiner's Amendment/Comment or in a Notice of Draftperson's Patent Drawing Review, PTO-948, is also to be ignored.

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<sup>1</sup> The language which is crossed out is contrary to amended 37 CFR 1.85(c) and 1.136. See "Changes to Implement the Patent Business Goals", 65 Fed. Reg. 54603, 54629, 54641, 54670, 54674 (September 8, 2000), 1238 Off. Gaz. Pat. Office 77, 99, 110, 135, 139 (September 19, 2000).